

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT
BRIDGEPORT DIVISION**

GUIDELINES FOR EVIDENTIARY PROCEEDINGS

These guidelines apply to all evidentiary proceedings assigned to a Wednesday, Thursday, and/ or Friday trial list.

1. Definitions.

(a) An adversary proceeding is a proceeding governed by Part VII F.R.Bankr.P. of the Rules of Bankruptcy Procedure.

(b) A short evidentiary matter is a contested matter governed by Rule 9014 F.R.Bankr.P. that will require no more than two hours of trial time. Short evidentiary matters will be scheduled on Tuesday afternoons of motion calendar days. Short evidentiary matters are *not* included in these guidelines.

(c) A long evidentiary matter is a contested matter governed by Rule 9014 F.R.Bankr.P. that will require more than two hours of trial time. Long evidentiary matters will be scheduled on Wednesday, Thursday, and/or Friday trial dates.

2. ADVERSARY PROCEEDING, LONG EVIDENTIARY MATTER.

Upon receipt of papers commencing an adversary proceeding or a long evidentiary matter, the clerk's office will mail a Summons, if applicable, a form of Pretrial Order, and these Guidelines to the plaintiff or movant. Unless otherwise ordered, a trial date ("TRIAL DATE ") no earlier than four months after the papers were filed will be stated on the Pretrial Order. The plaintiff or the movant, which ever is applicable, shall serve a copy of the Summons, these Guidelines, and the form of Pretrial Order on all defendants or respondents and certify such service.

3. PRETRIAL ORDER.

a) A due date is stated on the Pretrial Order form. If a Pretrial Order is not filed by the due date and a motion for an extension is not timely filed, a hearing may be scheduled on the court's motion to dismiss the evidentiary proceeding for failure to prosecute.

(b) No version of Pretrial Order other than the current form supplied by the clerk's office may be utilized. The plaintiff or movant shall communicate with the defendants or respondents in an attempt to agree on the completion of a proposed Pretrial Order. In the event that such an agreement is not reached, any party may file a proposed Pretrial Order and certify service. The court will enter such Pretrial Order as it deems appropriate.

(c) Unless otherwise ordered, all discovery shall be completed no later than 30 days before the TRIAL DATE.

4. CONTINUANCE, TRIAL CONFIRMATION, FINAL MARKINGS.

(a) CONTINUANCE. Any telephone or written request for a continuance and a new trial date shall be made to the judge's chambers no later than 10:00 a.m. the Friday before the scheduled TRIAL DATE. The request shall state that all parties have expressly consented. An AMENDED TRIAL DATE shall be scheduled by the further order of the court.

(b) The current "final" scheduling policy is abrogated. Evidentiary Proceedings will be given a final marking only after notice and a hearing or as the court deems appropriate.

(c) TRIAL CONFIRMATION. *The plaintiff or movant shall ascertain whether it is likely that the trial will proceed on the TRIAL DATE or, if applicable, the AMENDED TRIAL DATE, and shall report that information to the judge's chambers on the Friday before that date. The trial will not start unless there has been compliance with this subparagraph.*

(d) If appropriate, a pretrial conference will be conducted in an attempt to settle or narrow the issues.

THE LISTING OF AN EVIDENTIARY PROCEEDING ON A TRIAL LIST IS NOT AN ASSURANCE THAT IT WILL BE REACHED FOR TRIAL AS SCHEDULED. THE PARTIES ARE ENCOURAGED TO CHECK THE TRIAL LIST POSTED BY THE CLERK'S OFFICE AND COMMUNICATE WITH EACH OTHER PRIOR TO THAT DATE, SO THAT THEY AND THEIR WITNESSES WILL NOT BE INCONVENIENCED BY ANY DELAY BEFORE THEIR MATTER IS REACHED FOR TRIAL.

Alan H. W. Shiff

Chief United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT
BRIDGEPORT DIVISION**

In re:

Debtor

**Chapter
Case No.
Adv. No.
Docket Id. No.**

PRETRIAL Order Due Date _____

v.

TRIAL DATE: _____

PRETRIAL ORDER

APPEARANCES:

Attorney for plaintiff / movant

Attorney for defendant /respondent

1. DISCOVERY

Unless otherwise ordered, all discovery shall be completed and closed by the ___ day of _____ (“Discovery Bar Date”).

2. TRIAL MEMORANDA

Unless ordered by the court, no pretrial or post trial memoranda shall be filed. All memoranda that are ordered by the court shall be no longer than ten pages (double spaced on 8½”x 11” paper with 12 pt. font) and shall be exchanged and filed, with two copies delivered to chambers no later than the date ordered. A certificate of service shall be filed with each memorandum.

3. WITNESSES AND EXHIBITS

(a) A list of witnesses with a short statement of the testimony of each and a list of exhibits shall be exchanged and filed, with two copies delivered to chambers no later than 10 days after the Discovery Bar Date. A copy of each exhibit, corresponding to the appropriate exhibit list, shall be exchanged but not filed or delivered to chambers. In complying with this paragraph, plaintiff’s / movant’s exhibits shall be marked alphabetically, and defendant’s / respondent’s exhibits shall be marked numerically. A party may not call a witness who is not on that party’s list of witnesses.

(b) No witness may testify and no exhibits shall be admitted into evidence unless there has been compliance with this paragraph. No expert witness may testify unless a detailed, signed statement of that expert’s opinion has been exchanged, filed, and delivered to chambers no later than 10 days after the Discovery Bar Date.

(c) At the commencement of the trial, each party shall deliver to the court *three* copies of each exhibit exchanged pursuant to this paragraph.

(d) The filing of lists of witnesses and exhibits and experts’ reports in compliance with this paragraph shall be accompanied by a certification of service.

4. TRIAL CONFIRMATION

THE PLAINTIFF / MOVANT SHALL ASCERTAIN WHETHER IT IS LIKELY THAT THE TRIAL WILL PROCEED AS SCHEDULED AND SHALL

REPORT THAT INFORMATION TO THE JUDGE'S CHAMBERS THE FRIDAY BEFORE THE TRIAL DATE.

5. SETTLEMENT CONFERENCE

If appropriate, the court will conduct a pretrial conference at which an attempt will be made to settle the controversy or narrow the issues. Counsel shall attend fully authorized to make a final demand or offer and shall either be accompanied by the person or persons authorized and competent to accept or reject a settlement proposal or such persons shall be available by telephone.

CONSENT:

For the Plaintiff

_____ (date _____)

Address:

For the Defendant

_____ (date _____)

Address:

Dated:

Alan H. W. Shiff
Chief United States Bankruptcy Judge